

**RESOLUTION NO. RS2018-1503** (O'CONNELL) – This resolution would authorize the Metropolitan Government to enter into an agreement with the City of La Vergne, Tennessee for easement acquisition assistance within Rutherford County for the Hurricane Creek Pipe Improvement Project.

Metro and La Vergne have previously entered into an agreement, set to expire in 2024, wherein the parties agreed that Metro's wastewater transportation and treatment system would accept and treat wastewater flows from La Vergne's wastewater collection system. La Vergne has exceeded the East Hurricane Creek Maximum Rate on numerous occasions, which resulted in the East Hurricane Creek Corrective Action Plan in October 2013. La Vergne recognized in that plan that many of the problems were due to the age and condition of existing wastewater infrastructure. Metro is currently constructing the Annual Rehabilitation FY2016 - South Hurricane Creek Project to resolve some of these issues. Metro will also construct the Hurricane Creek Pipe Improvements to abate trunk sewer infiltration and inflows by replacing the infrastructure and upgrading the trunk sewer capacity. This project will require the acquisition of property rights in both Davidson County and La Vergne.

The resolution under consideration would approve a contract for easement acquisition related to the Hurricane Creek Pipe Improvement Project. Pursuant to the terms of the contract, La Vergne would seek to condemn real property under the power of eminent domain in Rutherford County for and on behalf of Metro. Upon being awarded possession of the property, La Vergne would transfer its interest to Metro. La Vergne would convey its interest in the property to Metro at the conclusion of the condemnation process. Metro would identify the required property for the project, obtain appraisals and reimburse La Vergne for costs associated with the performance of the contract, including title searches and examinations, appraisals, studies/reports, court costs, filing fees, discretionary costs and attorneys' fees.

*Fiscal Note: Funding for the South Hurricane Creek Project, Metro Water Services No. 16-SC-0009, has already been approved. The agreement in this resolution would commit Metro to reimburse La Vergne for their costs, along with the fair-market value of any property taken by La Vergne on behalf of Metro. The amounts have not yet been determined, but have been approved as part of the overall project budget in Fund 47410.*